

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JACQUELINE D. BERRY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A.No. 06-217-GMS
	:	
STATE OF DELAWARE,	:	
DIVISION OF CHILD SUPPORT,	:	
	:	
Defendant.	:	

ANSWER TO AMENDED COMPLAINT

Defendant, State of Delaware, Division of Child Support Enforcement
[hereafter "DSCE"], answers the amended complaint as follows:

1. This is a legal conclusion for which no response is required.
2. Defendant is without sufficient information to form a belief as to the truth of this paragraph.
3. Admitted as to its mailing address.
4. Denied.
5. Denied.
6. Denied.
7. Defendant is without sufficient information to form a belief as to the truth of this paragraph.
8. Defendant is without sufficient information to form a belief as to the truth of this paragraph.

9. Defendant is without sufficient information to form a belief as to the truth of this paragraph.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

First Defense

15. The amended complaint fails to state a legal claim for which relief can be granted.

Second Defense

16. The plaintiff has failed to properly exhaust her administrative remedies as required by law.

Third Defense

17. The matter is in whole, or in part, time barred under the appropriate statute of limitation, or repose or by some administrative time requirement.

Fourth Defense

18. The matter is barred by the Eleventh Amendment to the U.S. Constitution.

Fifth Defense

19. The district court lacks jurisdiction under Art. III, § 2, clause 2.

Sixth Defense

20. The amended complaint should be dismissed as service of process was improper or insufficient.

Seventh Defense

21. The Court lacks personal jurisdiction over defendant and the amended complaint should be dismissed.

WHEREFORE, the defendant asks for judgment in its favor for all that is just and proper, including dismissal of the action and assessment of costs against the plaintiff.

STATE OF DELAWARE
Department of Justice

/s/ Marc P. Niedzielski
Marc P. Niedzielski (# 2616)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8324
marc.niedzielski@state.de.us

DATED: August 4, 2006

NOTICE OF SERVICE

The undersigned certifies that on August 4, 2006, he caused two (2) copies of the Answer to the Amended Complaint be served on the following person by regular U.S. Mail:

NAME AND ADDRESS OF RECIPIENT(S):

Jacqueline D. Berry 5018 Oak Pasture Lane Charlotte, NC 28269	
---	--

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Marc P. Niedzielski
Marc P. Niedzielski, I.D. #2616
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
Attorney for Defendant